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Department  
8

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 v.

15 **JESUS MARQUEZ, OLGA MARQUEZ, RAMON**  
16 **MARQUEZ, JUANITA MARQUEZ, TAQUERIA**  
17 **LOS PRIMOS, TAQUERIA LOS PRIMOS NO. 2,**  
18 **LUIS GALINDO, MARTHA GALINDO, BANK OF**  
19 **AMERICA, N.A., STATE OF CALIFORNIA**  
20 **FRANCHISE TAX BOARD, STATE OF**  
21 **CALIFORNIA EMPLOYMENT DEVELOPMENT**  
22 **DEPARTMENT, STATE OF CALIFORNIA**  
23 **BOARD OF EQUALIZATION, STATE OF**  
24 **CALIFORNIA DEPARTMENT OF LABOR, SAN**  
25 **MATEO COUNTY TAX COLLECTOR,**

26 Defendants.

C08-0891 CW

DEFENDANT EMPLOYMENT  
DEVELOPMENT  
DEPARTMENT'S ANSWER TO  
COMPLAINT

27 The Employment Development Department ("EDD") hereby submits its answer to the  
28 allegations of the Complaint as follows:

29 1. Answering the allegations of paragraphs 1, 3, 4, 5, 6, 7, 8 and 13, the EDD admits the  
30 allegations.

31 2. Answering the allegations of paragraphs 2, 10, 11, 12, 14, 15, 16, 18, 19, 21, 22, 24,  
32 25, 27, 28, 31, 33, 35, 37 and 38, the EDD lacks sufficient information or belief to answer the

1 allegations and, basing its denial on that ground, denies each and every allegation in of  
2 paragraphs 2, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 27, 28, 31, 33, 35, 37 and 38 of  
3 the Complaint.

4 3. Answering the allegations of paragraph 9, the EDD admits that the property subject to  
5 the suit is 791 South Johnston Street, Half Moon Bay, California 94019. Except as expressly  
6 admitted herein, the EDD lacks sufficient information or belief to answer the remaining  
7 allegations, and, basing its denial on that ground, denies the remaining allegations.

8 4. Answering the allegation of paragraph 17, the EDD incorporates its respective prior  
9 answers to paragraphs 1 through 16 as though fully set forth in this answer.

10 5. Answering the allegations of paragraph 20, the EDD incorporates its respective prior  
11 answers to paragraph 1 through 19 as though fully set forth in this answer.

12 6. Answering the allegations of paragraph 23, the EDD incorporates its respective prior  
13 answers to paragraph 1 through 22 as though fully set forth in this answer.

14 7. Answering the allegations of paragraph 26, the EDD incorporates its respective prior  
15 answers to paragraph 1 through 25 as though fully set forth in this answer.

16 8. Answering the allegations of paragraph 29, the EDD incorporates its respective prior  
17 answers to paragraph 1 through 28 as though fully set forth in this answer.

18 9. Answering the allegations of paragraph 30, the EDD admits the allegations beginning  
19 on line 27 with the words "Pursuant to 26" and ending on line 1 with the words "Jesus and Olga  
20 Marquez." Except as expressly admitted herein, the EDD lacks sufficient information or belief  
21 to answer the remaining allegations in paragraph 30, and, basing its denial on that ground, denies  
22 each and every remaining allegation.

23 10. Answering the allegations of paragraph 32, the EDD admits the allegations beginning  
24 on line 6 with the words "Pursuant to 26" and ending on line 8 with the words "Ramon and  
25 Juanita Marquez." Except as expressly admitted herein, the EDD lacks sufficient information or  
26 belief to answer the remaining allegations in paragraph 32, and, basing its denial on that ground,  
27 denies each and every remaining allegation.

28 11. Answering the allegations of paragraph 34, the EDD admits the allegations beginning

on line 13 with the words “Pursuant to 26” and ending on line 15 to 16 with the words “Jesus Marquez and Ramon Marquez.” Except as expressly admitted herein, the EDD lacks sufficient information or belief to answer the remaining allegations in paragraph 34, and, basing its denial on that ground, denies each and every remaining allegation.

12. Answering the allegations of paragraph 36, the EDD admits the allegations beginning on line 20 with the words “Pursuant to 26” and ending on line 22 to 23 with the words “Jesus Marquez and Ramon Marquez.” Except as expressly admitted herein, the EDD lacks sufficient information or belief to answer the remaining allegations in paragraph 36, and, basing its denial on that ground, denies each and every remaining allegation.

WHEREFORE, defendant EDD, prays for the following relief:

1. That the tax liens of the United States be foreclosed against the real property of Jesus Marquez, Olga Marquez, Ramon Marquez and Juanita Marquez and the real property sold.
2. That this Court determine the relative priorities of the liens of the lienholder parties to this suit and order payment of the tax liens of the Employment Development Department from the proceeds of the foreclosure sale of the real property of defendants Jesus Marquez, Olga Marquez, Ramon Marquez and Juanita Marquez.
3. That the Employment Development Department be granted its costs.
4. For such other and further relief as the Court deems just and proper.

Dated: April 9, 2008

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

RANDALL P. BORCHERDING  
Supervising Deputy Attorney General

/s/ Karen W. Yiu

KAREN W. YIU  
Deputy Attorney General  
Attorneys for Defendant Employment  
Development Department

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **United States of America v. Jesus Marquez, et al.**

No.: **C08-0891 CW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 9, 2008, I served the attached **DEFENDANT EMPLOYMENT DEVELOPMENT DEPARTMENT'S ANSWER TO COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

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United States Attorney's Office - San  
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Ralph Roberts  
Employment Development Department  
Special Procedures Section, MIC 92S  
P.O. Box 826880  
Sacramento, CA 94280-0001

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 9, 2008, at San Francisco, California.

Sylvia S. Wu

Declarant

/s/ Sylvia S. Wu

Signature